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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,321	10/18/1999	LARRY A. WESTERMAN	KLR:7146.044	2633

7590 11/05/2002

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EXAMINER

DELATORRE, CRESCELLE N

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/420,321

Applicant(s)

WESTERMAN ET AL.

Examiner

Crescelle dela Torre

Art Unit

2174

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attachment A.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment A.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-37 and 39-41.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ATTACHMENT A

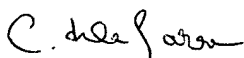
As per section 2 on the Advisory Action: Claim 1 was amended to include that the "size of said graphic representation is free from changing while said scale is altering" which requires further search and consideration.

As per section 5 of the Advisory Action: The request for reconsideration has been considered but does not overcome the rejection.

Upon review of the Final Rejection, dated 7/25/02, examiner found an error in paragraph 3. It should read as follows: "Claims 7-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gest et al (U.S. patent 5,333,247) in view of Sciammarella et al (U.S. patent 6,320,599), and further in view of Kreegar (U.S. patent 5,396,590)", rather than "Claims 7-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gest et al (U.S. patent 5,333,247) in view of Sciammarella et al (U.S. patent 6,320,599)".

Regarding claims 7 and 12, applicant points that Gest does not suggest that the user can change the size of box 16. The examiner disagrees because Gest teaches sizing the box, at column 6, lines 43-47. As to claims 17, 22, 28, and 34, examiner agrees that neither Gest nor Sciammarella teach that the manipulator interacts directly with the graphic representation to enable alteration. Rather, the Kreegar reference was used to teach this aspect of applicant's invention. Kreegar teaches direct manipulation of graphic objects using shape control tools, at figure 3 and at column 5, line 56 to column 6, line 18.

For these reasons, applicant's claims remain rejected.


CRESCELLE N. DELA TORRE
PRIMARY EXAMINER